

REMARKS

Claim Objections

The Examiner's objection to claim 49 on the basis of informality has been noted. Claim 49 has been amended to address the informality. Applicants believe that this amendment resolves the Examiner's objection to claim 49.

The Examiner rejected claims 37 and 47-51 under 35 U. S. C. § 102. The Examiner relied upon Clark U. S. Patent 4,356,578 (hereinafter Clark) to support this rejection. The Examiner asserts that Clark anticipates claim 37 under 35 U.S.C. §102(b). The Examiner takes the position that Clark discloses "a frame having a first receptacle (56, 57) . . . a deck (plates 59, 60) having a second receptacle (61, 62) . . . and a removable calf support (65) having a mounting shaft (64) configured to be located in the first receptacle to store the removable calf support beneath the deck, the mounting shaft being configured to be located in the second receptacle to support a patient's leg above the deck." The March 3, 2003 Office Action, pg. 2, ¶ 3. Applicants respectfully disagree with this assertion. The only reference in Clark to both the stirrups (calf supports) and cabinet extensions states that "[t]he stirrups 65 . . . may be stored in one of the cabinet extensions 56 and 57, when not in use." Clark, col. 5, ll. 1-2. Clark does not disclose how storage of the stirrups 65 in the cabinet extensions 56 and 57 is achieved or how the mounting shafts or mounting portions of the removable stirrups are configured to be located in a receptacle. Therefore, Clark does not disclose any physical features of the cabinet which anticipate the first receptacle of claim 37.

Notwithstanding this deficiency of Clark, Applicants have amended claims 8, 24, and 37 to clarify the limitation that the mounting shaft/portion is received in the receptacle to retain the removable calf support below the deck. Clark does not disclose or suggest a removable calf support with a mounting shaft or portion configured to be received in a receptacle with at least a portion of the calf support extending from the receptacle. Clark does not disclose any structure regarding the storage of the stirrups in or on the cabinet extensions. By amending claims 8, 24 and 37 Applicants have clarified that the receptacle and mounting shaft or receptacle and mounting portion cooperate to store the removable calf support with at least a portion of the removable calf support extending from the receptacle. Thus, Applicants have distinguished over the recitation that the stirrups may be stored in the cabinet extensions. Therefore, amended claim 37 and claims 47-51, which depend either directly or indirectly from claim 37, are patentably distinguishable over Clark and are in

condition for allowance.

The Examiner has rejected claims 8, 9, 24 and 25 under 35 U. S. C. §103. The Examiner relied upon the combination of Fenwick U. S. Patent 4,894,876 (hereinafter Fenwick) and Clark to support this rejection. Fenwick neither discloses nor suggests a removable calf support with a mounting portion configured to be received in a first receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle. This structure is specifically recited in amended claims 8 and 24. This deficiency of Fenwick is not cured by Clark. In Clark, the cabinet extensions provide a storage location for the stirrups (calf supports) when they are not in use. Clark, col. 5, ll. 1-2. There is no discussion of the manner in which the stirrups are stored. Therefore, amended claims 8 and 24 and claims 9 and 25, which depend from claims 8 and 24, respectively, are patentably distinguishable over the combination of Fenwick and Clark and are in condition for allowance.

The Examiner rejected claim 26 under 35 U. S. C. §103. The Examiner relied upon the combination of Fenwick, Clark and Armstrong U. S. Patent No. 2,257,491 (hereinafter Armstrong) to support this rejection. Claim 26 depends directly from claim 24. As discussed above, the combination of Fenwick and Clark does not render amended claim 24 obvious. Neither Fenwick nor Clark discloses a removable calf support with a mounting portion configured to be received in a first receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle as claimed in amended claim 24. Nor is this deficiency cured by Armstrong. Armstrong does not disclose a removable calf support with a mounting portion configured to be received in a first receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle. Therefore, the combination of Fenwick, Clark and Armstrong fails to render claim 24 obvious. Claim 26 depends from claim 24 and is patentably distinguishable over the combination of Fenwick, Clark and Armstrong for at least this reason.

The Examiner rejected claims 38-41 under 35 U.S.C. §103. The Examiner relied upon the combination of Clark and Armstrong to support this rejection. Clark does not disclose or suggest a receptacle and a mounting shaft configured to be received in the receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle as claimed in amended claim 37. Armstrong does not disclose or suggest a receptacle and a mounting shaft configured to be received in

the receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle. This limitation is in claims 38-41 by virtue of their dependence, either directly or indirectly, from claim 37. Therefore, the combination of Clark and Armstrong does not render claims 38-41 obvious. Claims 38-41 are patentably distinguishable over the combination of Clark and Armstrong.

The Examiner rejected claims 38-46 under 35 U.S.C. §103. The Examiner relied upon the combination of Clark and Borders U. S. Patent 5,157,800 (hereinafter Borders) to support this rejection. Clark neither discloses nor suggests a receptacle and a mounting shaft configured to be received in the receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle as claimed in amended claim 37. Borders neither discloses nor suggests a receptacle and a mounting shaft configured to be received in the receptacle to retain the removable calf support beneath a deck with at least a portion of the calf support extending from the first receptacle. This limitation is in claims 38-46 by virtue of their dependence, either directly or indirectly, from claim 37. Therefore, the combination of Clark and Borders fails to render claims 38-46 obvious. Claims 38-46 are patentably distinguishable over the combination of Clark and Borders.

Conclusion


Claims 8, 9, 24-26 and 37-51, as amended herein, are in condition for allowance for at least the above reasons. Allowance of these claims is therefore respectfully requested.

Further Action

In the event that there are any questions related to this amendment or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned. The Examiner is invited to call the undersigned at (317) 231-7285 to discuss any outstanding issues or concerns so that allowance of the present application may be expedited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a petition for an extension of time sufficient to effect a timely response and that shortages in fees, if any, be charged to deposit account 10-0435, with reference to our file 7175-70579.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard", written in a cursive style.

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